Case: 4:17-cv-00022-RLW Doc. #: 1-1 Filed: 01/06/17 Page: 1 of 33 PageID #: 5

EXHIBIT A



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1611-CC01008 - BAYWOOD RLTY & CONSTR CORP V NORTH SHORE DOOR CO (E-CASE)

Case Header

Parties & Attorneys Docket Entries

Charges, Judgments & Sentences

Service Information

Filings Duě

Scheduled Hearings & Trials

Civil **Judgments** Garnishments/ Execution

This information is provided as a service and is not considered an official court record.

Sort Date Entries:

Descending

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All Entries

12/21/2016

Notice of Service

Return of Service of Summons Served upon Matthew T ODonnell

Filed By: EARL ROBERT SCHULTZ III

On Behalf Of: BAYWOOD RLTY & CONSTR CORP.

Notice of Service

Return of Service of Summons Served upon North Shore Commercial Door; Electronic Filing Certificate of Service.

Filed By: EARL ROBERT SCHULTZ III

Summons Personally Served

Document ID - 16-SMOS-243; Served To - O'DONNELL, MATTHEW T; Server - ; Served Date - 09-DEC-16; Served Time - 12:00:00; Service Type - Sheriff Department; Reason Description - Served

Agent Served

Document ID - 16-SMOS-242; Served To - NORTH SHORE COMMERCIAL DOOR CO; Server - ; Served Date - 19-DEC-16; Served Time - 12:00:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - SERVED TO MATTHEW ODONNELL

11/01/2016

Order

ORDER GRANTING PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO SERVE DEFENDANTS. JAC/DHB

Filed By: JON A. CUNNINGHAM

10/28/2016

Note to Clerk eFiling

Filed Bv: RONALD JAY EISENBERG

Motion for Extension of Time

Plt s Motion for Extension of Time to Serve Summonses and Petition

Filed By: RONALD JAY EISENBERG

On Behalf Of: BAYWOOD RLTY & CONSTR CORP.

Summons Issued-Circuit

Document ID: 16-SMOS-243, for O'DONNELL, MATTHEW T. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. CF

Summons Issued-Circuit

Document ID: 16-SMOS-242, for NORTH SHORE COMMERCIAL DOOR CO. SUMMONS SAVED AND ATTACHED IN PDF FORM FOR ATTORNEY TO RETRIEVE FROM SECURE CASE.NET. CF

10/26/2016

Pet Filed in Circuit Ct

Class Action Junk-Fax Petition; Ex 1 Junk Fax.

On Behalf Of: BAYWOOD RLTY & CONSTR CORP.

1/6/2017

Case: 4:17-cv-00022-RLW Doc^C#^{e.nqt}-1⁶11-բնենն ՉԻՆԵՐ Իր^{ries}Page: 3 of 33 PageID #: 7

Filing Info Sheet eFiling

Filed By: RONALD JAY EISENBERG

Judge Assigned

Case.net Version 5.13.14.3

Return to Top of Page

Released 12/15/2016

Case: 4:17-cv-00022-RLW Doc. #: 1-1 Filed: 01/06/17 Page: 4 of 33 PageID #: 8 1611-CC01008

IN THE MISSOURI CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT **COUNTY OF ST. CHARLES**

BAYWOOD RLTY & CONSTR)
CORP.,	j
	j.
Plaintiff,	Ó
v.	ĺ
•) JURY TRIAL DEMANDED
NORTH SHORE COMMERCIAL)
DOOR CO. d/b/a NORTH SHORE	3
DOOR CO., INC. d/b/a NORTH	3
SHORE RESIDENTIAL DOOR	}
	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
COMPANY, INC. d/b/a NORTH	· ·
SHORE RESIDENTIAL DOOR	?
d/b/a NORTH SHORE COMMERCIA	?
DOOR COMPANY, INC.,	?
)
Serve:)
Bonnie O'Donnell, Reg. Agent)
Matthew O'Donnell, President)
162 Edgewood St.)
Elyria, OH 44035)
or)
Bonnie O'Donnell, Reg. Agent)
Matthew T. O'Donnell, Pres.)
157 S. Abbe Rd.)
Elyria, OH 44036	
)
and	j
	j
MATTHEW T. O'DONNELL,	Ś
THE TELEVISION OF THE PARTY OF	ń
Serve:	Ś
162 Edgewood St.	í
Elyria, OH 44035	`
0r	\
157 S. Abbe Rd.	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
	\(\)
Elyria, OH 44036	·
Ĭ	\(\frac{1}{2}\)
and	〈
YOUNG DOES	₹
JOHN DOES 1-10,	?
Defendants.)

CLASS ACTION JUNK-FAX PETITION

Plaintiff Baywood Rlty & Constr Corp., brings this junk-fax class action, on behalf of itself and all others similarly situated, against Defendant North Shore Door Co. d/b/a North Shore Commercial Door Co. d/b/a North Shore Residential Door Company, Inc. d/b/a North Shore Residential Door d/b/a North Shore Commercial Door Company, Inc., Defendant Matthew T. O'Donnell, and Defendants John Does 1-10 under the Telephone Consumer Protection Act of 1991, as amended by the Junk Fax Prevention Act of 2005, 47 U.S.C. § 227, and the regulations promulgated thereunder (TCPA).

PARTIES, JURISDICTION, AND VENUE

- 1. Plaintiff Baywood Rlty & Constr Corp. (Baywood) is a Missouri corporation in good standing with the Missouri Secretary of State to transact business in Missouri.
- 2. Defendant North Shore Door Co. (North Shore) is an Ohio corporation registered with the Ohio Secretary of State to transact business in Ohio and not registered with the Missouri Secretary of State.
- 3. North Shore has done business as North Shore Commercial Door Co., North Shore Residential Door Company, Inc., and North Shore Residential Door.
- 4. North Shore's officers have done business as North Shore Commercial Door Co., North Shore Residential Door Company, Inc., North Shore Residential Door, and North Shore Commercial Door Company, Inc.
- 5. North Shore Door Co., North Shore Commercial Door Co., North Shore Residential Door Company, Inc., North Shore Residential Door, and North

Shore Commercial Door Company, Inc., are not legal entities registered with the Ohio Secretary of State to transact business in Ohio, nor registered with the Missouri Secretary of State to transact business in Missouri.

- 6. John Does 1-10 are not presently known.
- 7. This Court has personal jurisdiction over Defendants under 47 U.S.C. § 227(b)(3), because Defendants sent at least one illegal fax into Missouri, Defendants transact business within this state, Defendants have made contracts within this state, Defendants have committed tortious acts within this state, including conversion of fax recipients' paper, ink, and toner, or Defendants otherwise have sufficient minimum contacts with this state.
 - 8. Venue is proper under Missouri Revised Statutes § 508.010.2.

THE FAX

- 9. On or about March 27, 2013, Defendants, or someone acting on their behalf, used a telephone facsimile machine, computer, or other device to send to Baywood's telephone facsimile machine at (314) 962-9902 an unsolicited advertisement, a true and accurate copy of which is attached as **Exhibit 1** (Fax).
- 10. The Fax identifies "North Shore Commercial Door Co." and includes
 - 11. Baywood received the Fax through Baywood's facsimile machine.
- 12. Baywood did not and does not use an e-fax software program to receive faxes as Portable Document Format or "PDF" email attachments.

- 13. The Fax constitutes material advertising the quality or commercial availability of any property or goods, including key fobs and dip switches.
- 14. On information and belief, Defendants have sent other facsimile transmissions of material advertising the quality or commercial availability of property or goods to Baywood and to at least 100 other persons as part of a plan to broadcast fax advertisements, of which the Fax is an example, or, alternatively, the Fax was sent on behalf of Defendants.
- 15. Defendants approved, authorized and participated in the scheme to broadcast fax advertisements by (a) directing a list to be purchased or assembled, (b) directing and supervising employees or third parties to send the faxes, (c) creating and approving the fax form to be sent, and (d) determining the number and frequency of the facsimile transmissions.
- 16. Defendants had a high degree of involvement in, actual notice of, or ratified the unlawful fax broadcasting activity and failed to take steps to prevent such facsimile transmissions.
- 17. Defendants created, made, or ratified the sending of the Fax and other similar or identical facsimile advertisements, which Defendants sent to Baywood and to other members of the "Class" as defined below.
- 18. Under the TCPA and 47 C.F.R. § 64.1200(a)(4)(iii), the opt-out notice required for all facsimile advertisements must meet the following criteria:
 - (A) The notice is clear and conspicuous and on the first page of the advertisement;
 - (B) The notice states that the recipient may make a request to the sender of the advertisement not to send any future

- advertisements to a telephone facsimile machine or machines and that failure to comply, within 30 days, with such a request meeting the requirements under paragraph (a)(4)(v) of this section is unlawful;
- (C) The notice sets forth the requirements for an opt-out request under paragraph (a)(4)(v) of this section
- (D) The notice includes—
 - (1) A domestic contact telephone number and facsimile machine number for the recipient to transmit such a request to the sender; and
 - (2) If neither the required telephone number nor facsimile machine number is a toll-free number, a separate cost-free mechanism including a Web site address or e-mail address, for a recipient to transmit a request pursuant to such notice to the sender of the advertisement. A local telephone number also shall constitute a cost-free mechanism so long as recipients are local and will not incur any long distance or other separate charges for calls made to such number; and
- (E) The telephone and facsimile numbers and cost-free mechanism identified in the notice must permit an individual or business to make an opt-out request 24 hours a day, 7 days a week.
- 19. The Fax sent to Plaintiff, and the other facsimile advertisements sent by Defendants, lacked a proper notice informing the recipient of the ability and means to avoid future unsolicited advertisements.
- 20. Senders of fax ads must include certain information in an opt-out notice on the fax, even if the recipient previously agreed to receive fax ads from such senders. See 47 C.F.R. § 64.1200(a)(4)(iv).
- 21. Senders of fax ads must fully comply with the opt-out notice requirements of 47 C.F.R. § 64.1200(a)(4)(iii).

- 22. The Fax and Defendants' similar facsimile advertisements lacked a notice stating that the recipient may make a request to the sender of the advertisement not to send future advertisements to a telephone facsimile machine or machines and that failure to comply, within 30 days, with such a request meeting 47 C.F.R. § 64.1200(a)(4)(v)'s requirements is unlawful.
- 23. The transmissions of facsimile advertisements, including the Fax, to Plaintiff, lacked a notice that complied with 47 U.S.C. § 227(b)(1)(C) and 47 C.F.R. § 64.1200(a)(4)(iii).
- 24. On information and belief, Defendants faxed the same or other substantially similar facsimile advertisements to the members of the Class in Missouri and throughout the United States without first obtaining the recipients' prior express invitation or permission.
- 25. Defendants violated the TCPA by transmitting the Fax to Plaintiff and to the Class members without obtaining their prior express invitation or permission and by not displaying the proper opt-out notice required by 47 C.F.R. § 64.1200(a)(4).
- 26. Defendants knew or should have known that (a) facsimile advertisements, including the Fax, were advertisements, (b) Plaintiff and the other Class members had not given their prior invitation or permission to receive facsimile advertisements, (c) no established business relationship existed with Plaintiff and the other Class members, and (d) Defendants' facsimile advertisements did not display a proper opt-out notice.

- 27. Defendants failed to determine correctly the legal restrictions on the use of facsimile transmissions and the application of those restrictions to facsimile advertisements, including the Fax, both to Plaintiff and the Class.
- 28. Pleading in the alternative to the allegations that Defendants knowingly violated the TCPA, Plaintiff alleges that Defendants did not intend to send transmissions of facsimile advertisements, including the Fax, to any person where such transmission was not authorized by law or by the recipient, and to the extent that any transmissions of facsimile advertisement was sent to any person and such transmission was not authorized by law or by the recipient, such transmission was made based on either Defendants' own understanding of the law and/or based on the representations of others on which Defendants reasonably relied.
- 29. The transmissions of facsimile advertisements, including the Fax, to Plaintiff and the Class caused concrete and personalized injury, including unwanted use and destruction of their property, e.g., toner or ink and paper, caused undesired wear on hardware, interfered with the recipients' exclusive use of their property, occupied their fax machines for the period of time required for the electronic transmission of the data, and interfered with their business and/or personal communications and privacy interests.

CLASS ACTION ALLEGATIONS

30. Plaintiff brings this class action on behalf of the following class of persons, hereafter, the "Class":

All persons in the United States who on or after four years prior to

the filing of this action, (1) were sent by or on behalf of Defendants a telephone facsimile message of material advertising the commercial availability or quality of any property or goods (2) with respect to whom Defendants cannot provide evidence of prior express invitation or permission for the sending of such faxes, and (3) either (a) with whom Defendants did not have an established business relationship, or (b) the fax identified in subpart (1) of this definition (i) did not display a clear and conspicuous opt-out notice on the first page stating that the recipient may make a request to the sender of the advertisement not to send any future advertisements to a telephone facsimile machine or machines and that failure to comply, within 30 days, with such a request meeting the requirements under 47 C.F.R. § 64.1200(a)(4)(v) is unlawful, (ii) lacked a telephone number for sending the opt-out request, or (iii) lacked a facsimile number for sending the opt-out request.

- 31. Excluded from the Class are Defendants, their employees, agents, and members of the judiciary.
 - 32. This case is appropriate as a class action because:
 - a. <u>Numerosity.</u> On information and belief, based in part on review of the sophisticated Fax and online research, the Class includes at least 100 persons and is so numerous that joinder of all members is impracticable.
 - b. <u>Commonality.</u> Questions of fact or law common to the Class predominate over questions affecting only individual Class members, e.g.:
 - i. Whether Defendants engaged in a pattern of sending unsolicited fax advertisements;
 - ii. Whether the Fax, and other faxes transmitted by or on behalf of Defendants, contains material advertising the commercial availability of any property or goods;
 - iii. Whether the Fax, and other faxes transmitted by or on behalf of Defendants, contains material advertising the quality of any property or goods;
 - iv. The manner and method Defendants used to compile or obtain the list of fax numbers to which Defendants sent the Fax and other unsolicited faxed advertisements;

- v. Whether Defendants faxed advertisements without first obtaining the recipients' prior express invitation or permission;
- vi. Whether Defendants violated 47 U.S.C. § 227;
- vii. Whether Defendants willingly or knowingly violated 47 U.S.C. § 227;
- viii. Whether Defendants violated 47 C.F.R. § 64.1200;
- ix. Whether the Fax, and the other fax advertisements sent by or on behalf of Defendants, displayed the proper opt-out notice required by 47 C.F.R. § 64.1200(a)(4);
- x. Whether the Court should award statutory damages per TCPA violation per fax;
- xi. Whether the Court should award treble damages per TCPA violation per fax; and
- xii. Whether the Court should enjoin Defendants from sending TCPA-violating facsimile advertisements in the future.
- c. <u>Typicality.</u> Plaintiff's claim is typical of the other Class members' claims, because, on information and belief, the Fax was substantially the same as the faxes sent by or on behalf of Defendants to the Class, and Plaintiff is making the same claim and seeking the same relief for itself and all Class members based on the same statute and regulation.
- d. <u>Adequacy.</u> Plaintiff will fairly and adequately protect the interests of the other Class members. Plaintiff's counsel is experienced in TCPA class actions, having litigated more than 40 such cases, and having been appointed class counsel in multiple cases. Neither Plaintiff nor its counsel has interests adverse or in conflict with the Class members.
- e. <u>Superiority.</u> A class action is the superior method for adjudicating this controversy fairly and efficiently. The interest of each individual Class

member in controlling the prosecution of separate claims is small and individual actions are not economically feasible.

- 33. The TCPA prohibits the "use of any telephone facsimile machine, computer or other device to send an unsolicited advertisement to a telephone facsimile machine." 47 U.S.C. § 227(b)(1).
- 34. The TCPA defines "unsolicited advertisement," as "any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's express invitation or permission." 47 U.S.C. § 227(a)(4).

35. The TCPA provides:

Private right of action. A person may, if otherwise permitted by the laws or rules of court of a state, bring in an appropriate court of that state:

- (A) An action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation,
- (B) An action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater, or
- (C) Both such actions.

47 U.S.C. § 227(b)(3)(A)-(C).

36. The TCPA also provides that the Court, in its discretion, may treble the statutory damages if a defendant "willfully or knowingly" violated Section 227(b) or the regulations prescribed thereunder.

- 37. "A facsimile broadcaster will be liable for violations of [Section 64.1200(a)(4)]. . . , including the inclusion of opt-out notices on unsolicited advertisements, if it demonstrates a high degree of involvement in, or actual notice of, the unlawful activity and fails to take steps to prevent such facsimile transmissions." 47 C.F.R. § 64.1200(a)(4)(vii).
- 38. Because the TCPA is a strict liability statute, Defendants are liable to Plaintiff and the Class even if Defendants only acted negligently.
- 39. Defendants' actions caused concrete and particularized harm to Plaintiff and the Class, as
 - a. receiving Defendants' faxed advertisements caused the recipients to
 lose paper and toner consumed in printing Defendants' faxes;
 - Defendants' actions interfered with the recipients' use of the recipients' fax machines and telephone lines;
 - c. Defendants' faxes cost the recipients time, which was wasted time receiving, reviewing, and routing the unlawful faxes, and such time otherwise would have been spent on business activities; and
 - d. Defendants' faxes unlawfully interrupted the recipients' privacy interests in being left alone and intruded upon their seclusion.
- 40. Defendants intended to cause damage to Plaintiff and the Class, to violate their privacy, to interfere with the recipients' fax machines, or to consume the recipients' valuable time with Defendants' advertisements; therefore, treble damages are warranted under 47 U.S.C. § 227(b)(3).

- Defendants knew or should have known that (a) Plaintiff and the other Class members had not given express invitation or permission for Defendants or anyone else to fax advertisements about Defendants' property or goods, (b) Defendants did not have an established business relationship with Plaintiff and the other Class members, (c) the Fax and the other facsimile advertisements were advertisements, and (d) the Fax and the other facsimile advertisements did not display the proper opt-out notice.
- 42. Defendants violated the TCPA by transmitting the Fax to Plaintiff and substantially similar facsimile advertisements to the other Class members without obtaining their prior express invitation or permission and by not displaying the proper opt-out notice required by 47 C.F.R. § 64.1200(a)(4)(iii).

WHEREFORE, Plaintiff, individually and on behalf of all others similarly situated, demands judgment in its favor and against all Defendants, jointly and severally, as follows:

- a. certify this action as a class action and appoint Plaintiff as Class representative;
- b. appoint the undersigned counsel as Class counsel;
- c. award damages of \$500 per TCPA violation per facsimile pursuant to 47 U.S.C. § 227(a)(3)(B);
- d. award treble damages up to \$1,500 per TCPA violation per facsimile pursuant to 47 U.S.C. § 227(a)(3);
- e. enjoin Defendants and their contractors, agents, and employees from continuing to send TCPA-violating facsimiles pursuant to 47 U.S.C. § 227(a)(3)(A);
- f. award class counsel reasonable attorneys' fees and all expenses of this action and require Defendants to pay the costs and expenses of class notice and claim administration;
- g. award Plaintiff an incentive award based upon its time expended on behalf of the Class and other relevant factors;
- h. award Plaintiff prejudgment interest and costs; and

i. grant Plaintiff all other relief deemed just and proper.

DOCUMENT PRESERVATION DEMAND

Plaintiff demands that Defendants take affirmative steps to preserve all records, lists, electronic databases, or other itemization of telephone or fax numbers associated with the Defendants and the communication or transmittal of advertisements as alleged herein.

SCHULTZ & ASSOCIATES LLP

Bv

Ronald J. Eisenberg, #48674 640 Cepi Drive, Suite A

Chesterfield, MO 63005

636-537-4645

Fax: 636-537-2599 reisenberg@sl-lawyers.com

Attorney for Plaintiff



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division:	Case Number: 1611-CC01008	
JON A. CUNNINGHAM		
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address:	
BAYWOOD RLTY & CONSTR CORP.	RONALD JAY EISENBERG 640 CEPI DRIVE SUITE A	
VS.	CHESTERFIELD, MO 63005	
Defendant/Respondent:	Court Address:	
NORTH SHORE COMMERCIAL DOOR CO	300 N 2nd STREET	
DBA: NORTH SHORE DOOR CO., INC.	SAINT CHARLES, MO 63301	
DBA: NORTH SHORE RESIDENTIAL DOOR COMPANY INC		
DBA: NORTH SHORE RESIDENTIAL DOOR		
DBA: NORTH SHORE COMMERCIAL DOOR		
COMPANY, INC.		
Nature of Suit:		
CC Other Miscellaneous Actions		(Date File Stamp)
Summons for Person	al Service Outside the State of Missor	ıri
(Ex	cept Attachment Action)	
The State of Missouri to: NORTH SHORE COMMI		
DBA: NORTH SHORE DO	OOR CO., INC. ESIDENTIAL DOOR COMPANY INC	

DBA: NORTH SHORE RESIDENTIAL DOOR DBA: NORTH SHORE COMMERCIAL DOOR COMPANY, INC. BONNIE O'DONNELL REG AGENT BONNIE O'DONNELL REG AGENT MATTHEW T O'DONNEL PRESIDENT MATTHEW O'DONNELL PRESDIENT 157 S ABBE RD 162 EDGEWOOD ST BLYRIA, OH 44036 ELYRIA, OH 44035 You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, COURT SEAL OF and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action. <u>10/28/2016</u> ST. CHARLES COUNTY Further Information: Officer's or Server's Affidavit of Service I certify that: 1. I am authorized to serve process in civil actions within the state or territory where the above summons was served. (state). 2. My official title is I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the Defendant/Respondent. leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____, a person of the Defendant's/Respondent's family over the age of 15 years. [(for service on a corporation) delivering a copy of the summons and a copy of the petition to (title). (address) (state), on Served at _____ _ (time). Signature of Sheriff or Server Printed Name of Sheriff or Server (day) _____(month) ____(year) Subscribed and Sworn To me before this the judge of the court of which affiant is an officer. authorized to administer oaths in the state in which the affiant served the above summons. (Seal) (use for out-of-state officer) authorized to administer oaths. (use for court-appointed server) Signature and Title

Case: 4:17-cv-00022-RLW Doc. #: 1-1 Filed: 01/06/17 Page: 18 of 33 PageID #: 22

Service Fee	ss, if applicable
Summons	\$
Non Est	\$
Mileage	\$ (miles @ \$ per mile)
Total	\$
	See the following page for directions to clerk and to officer making return on service of summons.

Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

DECO		
Judge or Division:	Case Number: 1611-CC01008	
JON A. CUNNINGHAM		
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address: RONALD JAY EISENBERG	
BAYWOOD RLTY & CONSTR CORP.	640 CEPI DRIVE SUITE A	
VS.	CHESTERFIELD, MO 63005	
Defendant/Respondent:	Court Address:	
NORTH SHORE COMMERCIAL DOOR CO	300 N 2nd STREET	
DBA: NORTH SHORE DOOR CO., INC.	SAINT CHARLES, MO 63301	
DBA: NORTH SHORE RESIDENTIAL DOOR COMPANY INC		
DBA: NORTH SHORE RESIDENTIAL DOOR		
DBA: NORTH SHORE COMMERCIAL DOOR		
COMPANY, INC.		
Nature of Suit:		
CC Other Miscellaneous Actions		(Date File Stamp)
Summons for Person	al Service Outside the State of Missou	ri

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

	(EXC	epi Attachment Action)		
The State of Missouri to	: MATTHEW T O'DONNELL	,		
	Alias:			
162 EDGEWOOD ST.			157 S ABBE RD	
ELYRIA, OH 44035			ELYRIA, OH 44036	
COURT SEAL OF	and to serve a copy of your p days after service of this sum	pear before this court and to file yo leading upon the attorney for the Pi mons upon you, exclusive of the da aken against you for the relief dema	laintiff/Petitioner at the above ad ay of service. If you fail to file y	ldress all within 30
	10/28/2016		/S/ Judy Zerr	
ST. CHARLES COUNTY	Date		Clerk	
	Further Information:			
	Officer's	or Server's Affidavit of Servic	ee	
I certify that:		taring a transfer at attention		
1. I am authorized to s	erve process in civil actions with	in the state or territory where the al	County	(state).
2. My official title is	(sheek one)	ofof	County,	(state).
3. I have served the ab	ove summons by: (check one)	Cities with the the Defendant/De	an an domt	
delivering a	copy of the summons and a copy	of the petition to the Defendant/Re	spondent.	
leaving a co	by of the summons and a copy of	the petition at the dwelling place or	r usual abode of the Defendant/F	Respondent with
	, a r	erson of the Defendant's/Responde	ent's family over the age of 15 years	ears.
(for service of	n a corporation) delivering a cop	y of the summons and a copy of th	e petition to	
<u></u>		(name)		(title).
	be)			·
Served at		(state), on		(address)
in	County,	(state), on	(date) at	(time).
D: A INT	me of Sheriff or Scryer	97	gnature of Sheriff or Server	
Printed Na				
	Subscribed and Sworn To	me before this (day)	(month)	(year)
	I am: (check one) the	clerk of the court of which affiant	is an officer.	
	the	judge of the court of which affiant	is an officer.	
		horized to administer oaths in the s		he above summons.
(Seal)		se for out-of-state officer)		
		horized to administer oaths. (use for	or court-appointed server)	
	<u></u>		,	
			Signature and Title	***
Service Fees, if applicab	de		<u> </u>	
Summons \$				
Non Est \$				
Mileage \$	(miles @ \$ per mile)		
Total \$				
	See the following page for direction	is to clerk and to officer making retu	rn on service of summons.	

Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

IN THE MISSOURI CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT COUNTY OF ST. CHARLES

BAYWOOD RLTY & CONSTR)
CORP.,)
·)
Plaintiff,) No. 1611-CC01008
)
v.) Div. 5
)
NORTH SHORE COMMERCIAL)
DOOR CO. d/b/a NORTH SHORE)
DOOR CO., INC. d/b/a NORTH)
SHORE RESIDENTIAL DOOR)
COMPANY, INC. d/b/a NORTH)
SHORE RESIDENTIAL DOOR)
d/b/a NORTH SHORE)
COMMERCIAL DOOR COMPANY,)
INC., et al.,)
· · ·)
Defendants.)

PLAINTIFF'S MOTION FOR EXTENSION TO TIME TO SERVE DEFENDANTS

Plaintiff, pursuant to Missouri Supreme Court Rule 54.21, requests that the deadline for service of the summonses and petition on Defendants be extended to 90 days from issuance of the summonses on October 26, 2016, in order to allow sufficient time to obtain service on Defendants, who reside outside of Missouri.

Today Plaintiff mailed Civil Procedure Form 4B Notices, in accordance with Missouri Supreme Court Rule 54.16, requesting that Defendants voluntarily acknowledge service by mail. Rule 54.16 grants the recipients 30 days to complete and return the Form 4B notice. Rule 54.16 states that "[u]nless good cause is shown for not doing so, the court shall order the payment of costs of

service on the person served if such person does not complete and return within thirty days after mailing, the notice and acknowledgment of receipt of summons."

The new service deadline would be January 26, 2017.

SO ORDERED THIS ____ DAY OF ______, 2016

Jon Cunningham, Circuit Judge

SCHULTZ & ASSOCIATES LLP

Bv

Ronald J. Eisenberg, #48674 640 Cepi Drive, Suite A Chesterfield, MO 63005 636-537-4645

Fax: 636-537-2599

reisenberg@sl-lawyers.com

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The above-signed certifies that on October 28, 2016, this document was eFiled and served by U.S. Mail to Defendants at:

Matthew T. O'Donnell 162 Edgewood St. Elyria, OH 44035 Matthew T. O'Donnell 157 S. Abbe Rd. Elyria, OH 44036

Bonnie O'Donnell, Reg. Agent Matthew O'Donnell, President North Shore Door Co. d/b/a North Shore Commercial Door Co. d/b/a North Shore Residential Door Company, Inc. d/b/a North Shore Residential Door d/b/a North Shore Commercial Door Company, Inc. 162 Edgewood St. Elyria, OH 44035 Bonnie O'Donnell, Reg. Agent Matthew T. O'Donnell, President North Shore Door Co. d/b/a North Shore Commercial Door Co. d/b/a North Shore Residential Door Company, Inc. d/b/a North Shore Residential Door d/b/a North Shore Commercial Door Company, Inc. 157 S. Abbe Rd. Elyria, OH 44036

IN THE MISSOURI CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT COUNTY OF ST. CHARLES

BAYWOOD RLTY & CONSTR
CORP.,

Plaintiff,

V.

Div. 5

NORTH SHORE COMMERCIAL
DOOR CO. d/b/a NORTH SHORE
DOOR CO., INC. d/b/a NORTH
SHORE RESIDENTIAL DOOR
COMPANY, INC. d/b/a NORTH
SHORE RESIDENTIAL DOOR
COMPANY, INC. d/b/a NORTH
SHORE RESIDENTIAL DOOR
d/b/a NORTH SHORE
COMMERCIAL DOOR COMPANY,
INC., et al.,

Defendants.

PLAINTIFF'S MOTION FOR EXTENSION TO TIME TO SERVE DEFENDANTS

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service on the person served if such person does not complete and return within thirty days after mailing, the notice and acknowledgment of receipt of summons."

The new service deadline would be January 26, 2017.

SO ORDERED THIS / DAY OF /

Jon Clinxingham, Circuit Judge

SCHULTZ & ASSOCIATES LLP

Ronald J. Exenberg, #48674 640 Cepi Drive, Suite A Chesterfield, MO 63005 636-537-4645 Fax: 636-537-2599

reisenberg@sl-lawyers.com

Attorney for Plaintiff

CERTIFICATE OF SERVICE

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Matthew T. O'Donnell 162 Edgewood St. Elyria, OH 44035

Matthew T. O'Donnell 157 S. Abbe Rd. Elyria, OH 44036

Bonnie O'Donnell, Reg. Agent Matthew O'Donnell, President North Shore Door Co. d/b/a North Shore Commercial Door Co. d/b/a North Shore Residential Door Company, Inc. d/b/a North Shore Residential Door d/b/a North Shore Commercial Door Company, Inc. 162 Edgewood St. Elyria, OH 44035

Bonnie O'Donnell, Reg. Agent Matthew T. O'Donnell, President North Shore Door Co. d/b/a North Shore Commercial Door Co. d/b/a North Shore Residential Door Company, Inc. d/b/a North Shore Residential Door d/b/a North Shore Commercial Door Company, Inc. 157 S. Abbe Rd. Elyria, OH 44036



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division:	Case Number: 1611-CC01008	
JON A, CUNNINGHAM		
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address:	
BAYWOOD RLTY & CONSTR CORP.	RONALD JAY EISENBERG	
***	640 CEPI DRIVE SUITE A	
vs. Defendant/Respondent:	CHESTERFIELD, MO 63005 Court Address:	
NORTH SHORE COMMERCIAL DOOR CO	300 N 2nd STREET	
DBA: NORTH SHORE DOOR CO., INC.	SAINT CHARLES, MO 63301	
DBA: NORTH SHORE RESIDENTIAL DOOR	,	
COMPANY INC		
DBA: NORTH SHORE RESIDENTIAL DOOR		
DBA: NORTH SHORE COMMERCIAL DOOR		
COMPANY, INC.		
Nature of Suit:		
CC Other Miscellaneous Actions		(Date File Stamp)
	al Service Outside the State of Missou	ıri
	cept Attachment Action)	
The State of Missouri to: NORTH SHORE COMME		
DBA: NORTH SHORE DO	OR CO., INC. ESIDENTIAL DOOR COMPANY INC	
DBA: NORTH SHORE RE	ESIDENTIAL DOOR	
DBA: NORTH SHORE CO	OMMERCIAL DOOR COMPANY, INC.	
BONNIE O'DONNELL REG AGENT MATTHEW O'DONNELL PRESDIENT	BONNIE O'DONNEI MATTHEW T O'DOI	
162 EDGEWOOD ST	157 S ABBE RD	MILE I RESIDENT
ELYRIA, OH 44035	BLYRIA, OH 44036 ppear before this court and to file your pleading to the petition	
COURT SEAL OF and to serve a copy of your	pleading upon the attorney for the Plaintiff/Petitioner at the a	n, copy of which is attached, bove address all within 30
days after service of this sur	mmons upon you, exclusive of the day of service. If you fail	to file your pleading,
judgment by default will be	taken against you for the relief demanded in this action.	
10/28/2016	/S/ Judy Zeri	•
ST. CHARLES COUNTY Date	Clerk	-
Further Information:	s or Server's Affidavit of Service	
I certify that:		
I am authorized to serve process in civil actions wit	hin the state or territory where the above summons was serve	
 My official title is I have served the above summons by: (check one) 	of County,	(state).
delivering a copy of the summons and a copy	v of the netition to the Defendant/Respondent	
leaving a copy of the summons and a copy of	f the petition at the dwelling place or usual abode of the Defe	ndant/Respondent with
, a	person of the Defendant's/Respondent's family over the age	
(for service on a corporation) delivering a co	py of the summons and a copy of the petition to	
other (describe)	(name)	(title).
Served at		(address)
in County,	(state), on(date) at	(time).
Printed Name of Sheriff or Server	Signature of Sheriff or Server	
Subscribed and Sworn To	me before this (day) (month) (year)
I am: (check one) 🔲 the	e clerk of the court of which affiant is an officer.	,
the	e judge of the court of which affiant is an officer.	
	thorized to administer oaths in the state in which the affiant s	erved the above summons.
	se for out-of-state officer) thorized to administer oaths. (use for court-appointed server)	
au 🗀 au	due for courrepointed server)	
	Signature and Title	

Case: 4:17-cv-00022-RLW Doc. #: 1-1 Filed: 01/06/17 Page: 27 of 33 PageID #: 31

LORAIN COUNTY SHERIFF 9896 MURRARY RIDGE ROAD ELYRIA OHIO 44035

Case Number:

1611CC01008

Case Name: BAYWOOD REALTY & CONSTRUCTION CORP vs. NORTH SHORE COMMERCIAL

DOOR

SHERIFF'S RETURN

Summons

I received this Summons on December 7, 2016 and; on December 19, 2016 NORTH SHORE COMMERCIAL DOOR was Served by Business at 162 EDGEWOOD STREET ELYRIA, OH 44035.

Business service of said documents completed to Matthew O'Donnell, a person of suitable age and discretion therein, a copy of same and accompanying documents on 12/19/2016.

Phil R. Stammitti, Sheriff

By: <u>Timothy O. Gallagher</u>

Deputy

SHERIFF FEES:

 Summons
 \$6.00

 Docketing & Postage
 \$0.72

 Mileage
 \$6.00

Total \$12.72

Received - Lorain County Sheriff, Civil Branch 2016 December 7th 10:54 AM Phil R. Stammitti, Sheriff

Please refer to Sheriff Number 16005470 when submitting payment 1611CC01008



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

- Control of the Cont		
Judge or Division: JON A. CUNNINGHAM	Case Number: 1611-CC01008	
Plaintiff/Petitioner: BAYWOOD RLTY & CONSTR CORP. vs.	Plaintiff's/Petitioner's Attorney/Address: RONALD JAY EISENBERG 640 CEPI DRIVE SUITE A CHESTERFIELD, MO 63005	
Defendant/Respondent: NORTH SHORE COMMERCIAL DOOR CO DBA: NORTH SHORE DOOR CO., INC. DBA: NORTH SHORE RESIDENTIAL DOOR COMPANY INC DBA: NORTH SHORE RESIDENTIAL DOOR DBA: NORTH SHORE COMMERCIAL DOOR COMPANY, INC.	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301	
Nature of Suit: CC Other Miscellaneous Actions		(Date File Stamp)
	al Service Outside the State of Missor	
(Ex	cept Attachment Action)	
The State of Missouri to: MATTHEW T O'DONNEL	L	
Alias: 162 EDGEWOOD ST. ELYRIA, OH 44035	157 S ABBE RD ELYRIA, OH 44036	
and to serve a copy of your days after service of this su	ppear before this court and to file your pleading to the petitio pleading upon the attorney for the Plaintiff/Petitioner at the a mmons upon you, exclusive of the day of service. If you fail taken against you for the relief demanded in this action. /S/ Judy Zer	bove address all within 30 to file your pleading,
	s or Server's Affidavit of Service	
 2. My official title is	y of the petition to the Defendant/Respondent. If the petition at the dwelling place or usual abode of the Defe	(state).
(for service on a corporation) delivering a co	person of the Defendant's/Respondent's family over the age opy of the summons and a copy of the petition to	·
other (describe)	(name)	
Served at County,	(state), on (date) at	(address) (time).
Printed Name of Sheriff or Server	Signature of Sheriff or Server	
I am; (check one) ☐ th ☐ th ☐ au (Seal)	o me before this	served the above summons.
	Signature and Title	
Service Fees, if applicable Summons \$ Non Est \$		

Mileage

Total

_miles @ \$ _____ per mile)

Case: 4:17-cv-00022-RLW Doc. #: 1-1 Filed: 01/06/17 Page: 29 of 33 PageID #: 33

LORAIN COUNTY SHERIFF 9896 MURRARY RIDGE ROAD **ELYRIA OHIO 44035**

Case Number:

1611CC01008

Sheriff Number: 16005470

Case Name: BAYWOOD REALTY & CONSTRUCTION CORP vs. NORTH SHORE COMMERCIAL

DOOR

SHERIFF'S RETURN

Summons

I received this Summons on December 7, 2016 and; on December 9, 2016 MATTHEW O'DONNELL was Served by Personal Service at 162 EDGEWOOD STREET ELYRIA, OH 44035.

Phil R. Stammitti, Sheriff

By: **Timothy O. Gallagher**

SHERIFF FEES:

Summons \$6.00 Mileage \$6.00

Total

\$12.00

Received - Lorain County Sheriff, Civil Branch 2016 December 7th 10:54 AM Phil R. Stammitti, Sheriff

> Please refer to Sheriff Number 16005470 when submitting payment 1611CC01008



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

		,
Judge or Division:	Case Number: 1611-CC01008	
JON A. CUNNINGHAM		
Plaintiff/Petitioner: BAYWOOD RLTY & CONSTR CORP. vs.	Plaintiff's/Petitioner's Attorney/Address: RONALD JAY EISENBERG 640 CEPI DRIVE SUITE A CHESTERFIELD, MO 63005	
Defendant/Respondent: NORTH SHORE COMMERCIAL DOOR CO DBA: NORTH SHORE DOOR CO., INC. DBA: NORTH SHORE RESIDENTIAL DOOR COMPANY INC DBA: NORTH SHORE RESIDENTIAL DOOR DBA: NORTH SHORE COMMERCIAL DOOR COMPANY, INC.	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301	
Nature of Suit: CC Other Miscellaneous Actions		(Date File Stam
	al Carriag Outside the State of Misse	

Summons for Personal Service Outside the State of Missouri

(Except Attachment Action)

judgment by default will be taken against you for the relief demanded in this action.

The State of Missouri to: NORTH SHORE COMMERCIAL DOOR CO	
DBA: NORTH SHORE DOOR CO., INC.	
DBA: NORTH SHORE RESIDENTIAL DOOR COMPANY INC	

DBA: NORTH SHORE RESIDENTIAL DOOR DBA: NORTH SHORE COMMERCIAL DOOR COMPANY, INC.

BONNIE O'DONNELL REG AGENT
MATTHEW O'DONNELL PRESDIENT

MATTHEW O'DONNELL PRESDIENT

162 EDGEWOOD ST

ELYRIA, OH 44035

MATTHEW T O'DONNEL PRESIDENT

157 S ABBE RD

BLYRIA, OH 44036

162 EDGEWOOD ST ELYRIA, OH 44035 COURT SEAL OF

BLYRIA, OH 44036
You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading,

ST. CHARLES COUNTY

10/28/2016

/S/ Judy Zerr

BONNIE O'DONNELL REG AGENT

Further Information	n:		
	Officer's or Server's Affidavit	of Service	
I certify that:			
1. I am authorized to serve process in civil	actions within the state or territory w	here the above summons was serve	ed.
	of		
3. I have served the above summons by: (
delivering a copy of the summon	s and a copy of the petition to the Def	fendant/Respondent.	
	nd a copy of the petition at the dwelli		endant/Respondent with
	, a person of the Defendant's		
	ivering a copy of the summons and a		Q1 10 y 1110.
	(name)		(title).
- # / J \	(name)		(une).
other (describe)	IAUSA.		(address)
Served at	(11)	(3-1-) -1	
Served atCounty,	(state), on	(date) at	tune).
Printed Name of Sheriff or Serve		Signature of Sheriff or Server	
Subscribed an	Sworn To me before this	(day) (mont	h) (year)
I am: (check on			<u> </u>
Talli (blibble 5%	the judge of the court of wh		
		ths in the state in which the affiant	carried the above summons
(Seal)	L-mi		screed the above summons.
	(use for out-of-state officer		A
	i authorized to administer oat	hs. (use for court-appointed server)
		Signature and Title	:

Case: 4:17-cv-00022-RLW Doc. #: 1-1 Filed: 01/06/17 Page: 31 of 33 PageID #: 35

LORAIN COUNTY SHERIFF 9896 MURRARY RIDGE ROAD ELYRIA OHIO 44035

Case Number:

1611CC01008

Case Name: BAYWOOD REALTY & CONSTRUCTION CORP vs. NORTH SHORE COMMERCIAL

DOOR

SHERIFF'S RETURN

Summons

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Business service of said documents completed to Matthew O'Donnell, a person of suitable age and discretion therein, a copy of same and accompanying documents on 12/19/2016.

Phil R. Stammitti, Sheriff

By: <u>Timothy O. Gallagher</u>

Deputy

SHERIFF FEES:

 Summons
 \$6.00

 Docketing & Postage
 \$0.72

 Mileage
 \$6.00

<u>Total</u> \$12.72

Received - Lorain County Sheriff, Civil Branch 2016 December 7th 10:54 AM Phil R. Stammitti, Sheriff

Please refer to Sheriff Number 16005470 when submitting payment 1611CC01008

Case: 4:17-cv-00022-RLW Doc. #: 1-1 Filed: 01/06/17 Page: 32 of 33 PageID #: 36



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

District? Matting of Attornay Address.	
Maintiffe of Matition and a Attornage Address	
Plaintiff's/Petitioner's Attorney/Address: RONALD JAY EISENBERG 640 CEPI DRIVE SUITE A CHESTERFIELD, MO 63005	
Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301	
	(Date File Stamp
	640 CEPI DRIVE SUITE A CHESTERFIELD, MO 63005 Court Address: 300 N 2nd STREET

Summons for Personal Service Outside the State of Missouri

(Except Attachment Action)				
The State of Missouri to: MATTHEW T O'DONNELL				
Alias: 162 EDGEWOOD ST. ELYRIA, OH 44035		157 S ABBE RD ELYRIA, OH 44036		
COURT SEAL OF	You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.			
	10/28/2016		/S/ Judy Zerr	
ST. CHARLES COUNTY	Dat		Clerk	
Further Information:				
I certify that: 1. I am authorized to serve process in civil actions within the state or territory where the above summons was served. 2. My official title is				
ın	County,	(state), on	(date) at	(time).
Printed Name	of Sheriff or Server	Signa	ture of Sheriff or Server	
(Seal)	I am: (check one)	To me before this (day) the clerk of the court of which affiant is the judge of the court of which affiant is authorized to administer oaths in the stat (use for out-of-state officer) authorized to administer oaths. (use for o	an officer. an officer. e in which the affiant served the	· ·

miles @\$

See the following page for directions to clerk and to officer making return on service of summons.

Service Fees, if applicable

Summons Non Est Mileage

Total

per mile)

Signature and Title

Case: 4:17-cv-00022-RLW Doc. #: 1-1 Filed: 01/06/17 Page: 33 of 33 PageID #: 37

LORAIN COUNTY SHERIFF 9896 MURRARY RIDGE ROAD ELYRIA OHIO 44035

Case Number:

1611CC01008

Sheriff Number: 16005470

Case Name: BAYWOOD REALTY & CONSTRUCTION CORP vs. NORTH SHORE COMMERCIAL

DOOR

SHERIFF'S RETURN

Summons

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Phil R. Stammitti, Sheriff

By: Timothy O. Gallagher

SHERIFF FEES:

Summons \$6.00

Mileage

\$6.00

Total

\$12.00

Received - Lorain County Sheriff, Civil Branch 2016 December 7th 10:54 AM Phil R. Stammitti, Sheriff

> Please refer to Sheriff Number 16005470 when submitting payment 1611CC01008